

Washington Supreme Court approves closed advisory group meetings

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The Washington Supreme Court has ruled a county's advisory group could meet in secret without violating state law.

OLYMPIA — The Washington Supreme Court on Thursday ruled public agencies can close some advisory group meetings to the public, rejecting a claim by a property-rights group that San Juan County violated the state's open meetings law in crafting land-use restrictions.

The 6-3 decision found that the county's "critical areas ordinance team" wasn't required to announce meetings or allow the public to attend.

San Juan County's administrator formed the group in 2012 as the county updated its Growth Management Act rules for buffers around wetlands, wildlife habitat and other areas.

The Citizens Alliance for Property Rights Legal Fund sued to overturn the policies, arguing they were invalid because the advisory group's closed meetings were illegal.

At issue was whether the state's Open Public Meetings Act applies to groups that could influence policies but don't have the final say.

State agencies commonly have advisory panels on topics such as wolf recovery, agriculture-related water issues and wildlife management.

A Washington State Department of Fish and Wildlife policy calls for its advisory group meetings to be public, but recently it closed portions of two Wolf Advisory Group meetings.

The high court's majority cited three reasons San Juan County didn't violate the law: The group didn't include a majority of the county council; it apparently wasn't created by the council; and it didn't act on behalf of the council.

Writing for the majority, Justice Charles Wiggins noted there was no official list of members or written purpose for the "informal group." The plaintiffs were able to determine after filing suit that the group included three council members, county planners and a scientific consultant.

In the dissenting opinion, Justice Mary Yu said the group's vague nature didn't justify closing the meetings.

“Nothing about the (Open Public Meetings Act) endorses the view that informality is an adequate substitute for open government,” she wrote. “This lack of documentation and institutional amnesia only emphasized the importance of public oversight under the (meetings law.)”

Washington Attorney General Bob Ferguson and the Washington State Association of Municipal Attorneys filed briefs supporting San Juan County.

The alliance’s court allies includes Allied Daily Newspapers of Washington, the Building Industry Association of Washington and the Pacific Legal Foundation.

A Superior Court judge and the Court of Appeals had dismissed the alliance’s complaint, but the group’s president, Jeff Wright, said Thursday in an interview that he thought the alliance would prevail in the Supreme Court.

He said the ruling provided public agencies with a “blueprint” for evading public scrutiny.

“They drove a truck right through the middle of the law,” Wright said. “I would say probably our next step is to work with legislators to come up with a legal fix.”